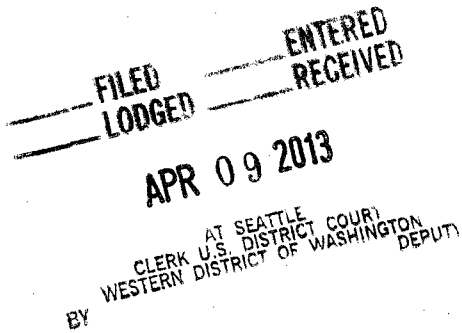


Magistrate Judge Tsuchida



UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff

v.

DEREK STEBNER,

Defendant.

NO. MJ13-186

COMPLAINT FOR VIOLATION

Title 18, United States Code,  
Section 111(a)(1)

BEFORE, Brian A. Tsuchida, United States Magistrate Judge, Seattle,  
Washington.

The undersigned complainant being duly sworn states:

COUNT 1

(Assaulting and Intimidating a Federal Employee)

On or about April 8, 2013, at Seattle, Washington, within the Western District of  
Washington, DEREK STEBNER, did forcibly assault, oppose, impede, intimidate, and  
interfere with an employee of the United States, specifically, a United States Trustee,

1 while the Trustee was engaged in and on account of the performance of the Trustee's  
2 official duties.

3  
4 The Complainant further alleges that such acts involved physical contact with the  
5 Trustee.

6 All in violation of Title 18, United States Code, Section 111(a) (1).  
7

8 1. I am a Senior Inspector with the United States Marshals Service (USMS) and  
9 am authorized to enforce the laws of the United States, and specifically, assaults and  
10 threats towards federal employees under Title 18, United States Code, Sections 111, 115,  
11 and 1114.  
12

13 2. I have been employed with USMS since May 9th, 2006. In the course of my  
14 official duties, I have investigated cases involving threats against USMS protectees, i.e.  
15 Judges, United States Attorneys, their assistants and Federal Public Defenders. I have  
16 received specialized training from the United States Marshals Service in techniques of  
17 interviewing individuals who have made threats. I am a graduate of the Department of  
18 Homeland Security, Federal Law Enforcement Training Center's Criminal Investigator  
19 Training Program (CITP), the U.S. Marshals Basic Deputy United States Marshal Course  
20 (BDUSM) and the U.S. Marshal Protective Intelligence and Threat Program (PITP). I am  
21 also a retired law enforcement officer from the Lewiston, Idaho Police Department and  
22 am a graduate of the Idaho State Peace Officer's Standards and Training Academy. I  
23 served 12 years in Idaho as a sworn law enforcement officer. The information herein is  
24 based on my investigation.  
25  
26  
27  
28


1       3. On April 8, 2013, I was dispatched to the 7<sup>th</sup> floor of the United States  
2 Courthouse in Seattle due a report of a disturbance in Bankruptcy Court involving a  
3  
4 bankruptcy litigant and a United States Bankruptcy Court Trustee. I met with  
5 USMS Judicial Security Inspector Jeff Mans who reported a possible assault incident  
6 involving a Bankruptcy Trustee and bankruptcy litigant, DEREK STEBNER.  
7

8       4. Subsequently, I interviewed the Trustee, M.S., (hereinafter referred to as  
9 Trustee M.S.) who advised that he is the Bankruptcy Trustee in several of STEBNER's  
10 bankruptcy cases. As a Trustee for the United States Bankruptcy Court, M.S. is an  
11 employee of the United States and a USMS Protectee, per 28 United States Code 566 (e)  
12  
13 (1) (A).

14       5. Trustee M.S. reported that he has received many threatening emails from  
15 STEBNER related to Trustee M.S.'s role as the assigned Bankruptcy Trustee. During the  
16 afternoon of April 8, 2013, STEBNER's case was in a proceeding before United States  
17 Bankruptcy Judge Marc Barecca. While in a recess, Trustee M.S. went to the men's  
18 restroom on the 7<sup>th</sup> floor and was inside a stall when STEBNER kicked open the door to  
19  
20 the bathroom stall and the door struck Trustee M.S. STEBNER then stated to Trustee  
21 M.S., "You fat fucker, I'll get you," and other words which Trustee M.S. considered to be  
22 threatening and intimidating. Trustee M.S. acknowledged that he had been hit by the  
23  
24 stall door when STEBNER kicked it in.  
25

26       5. I examined the door to the stall as identified by Trustee M.S. I saw that it was  
27  
28 scraped and the lock was dislodged and loose, consistent with being kicked or forced

1 open. Based on this examination, I believe that STEBNER used sufficient force with his  
2 hands and/or feet to kick open the locked stall door, causing the door to have physical  
3 contact with Trustee M.S.  
4

5  
6  
7   
8 ARNOLD KNIGHT, Complainant  
Senior Inspector, United States Marshals Service

9 Based on the Complaint and Affidavit sworn to before me, and subscribed in my  
10 presence, the Court hereby finds that there is probable cause to believe the Defendant  
11 DEREK STEBNER committed the offense set forth in the Complaint.  
12

13 Dated this 9 day of April, 2013.

14  
15   
16 BRIAN A. TSUCHIDA  
17 United States Magistrate Judge  
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